

Note: The following rule is being submitted for publication in the *Federal Register*. While EPA has taken steps to ensure the accuracy of this Internet version of the rule, it is not the official version. Upon publication in the Federal Register, the official version will be available at http://www.access.gpo.gov/su_docs/aces140.html. When using this site, note that "text" files may be incomplete because they do not include graphics. Instead, select "Adobe Portable Document" or ".pdf" files.

6560-50-P

U.S. ENVIRONMENTAL PROTECTION AGENCY

[FRL-]

Notice of Proposed Actions on Attainment Demonstrations for
the One-Hour National Ambient Air Quality Standards for
Ozone

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces that, elsewhere in today's Federal Register, EPA is proposing individually to approve or conditionally approve, and, in the alternative, to disapprove attainment demonstration State implementation plans (SIPs or plans) for ten areas in the eastern United States that are not in attainment of the 1-hour health and welfare-based national ambient air quality standards (NAAQS or standard) for ground-level ozone. These areas are designated as nonattainment for the ozone standard. The SIP demonstrations were prepared and forwarded to EPA from States and the District of Columbia (D.C.) where the nonattainment areas are located. They were submitted to meet the requirements of Title I of the Clean Air Act (CAA). The nonattainment areas on which EPA is proposing action are

listed below according to the EPA Regional Office in which they are located.

Region I	Greater Connecticut (CT) The Connecticut portion of the New York-Northern New Jersey-Long Island area Springfield (Western Massachusetts) (MA).
Region II	New York-Northern New Jersey-Long Island (NY-NJ-CT) The New Jersey portion of the Philadelphia-Wilmington-Trenton area.
Region III	Baltimore (MD) Philadelphia-Wilmington-Trenton (PA-NJ-DE-MD) Metropolitan Washington (DC-MD-VA).
Region IV	Atlanta (GA).
Region V	Milwaukee-Racine (WI) Chicago-Gary-Lake County (IL-IN).
Region VI	Houston-Galveston-Brazoria (TX).

FOR FURTHER INFORMATION CONTACT: General questions concerning this notice should be directed to Sharon Reinders, (919) 541-5284. Your comments or questions about a specific area should be directed to the EPA Regional Office representative identified below. Information on how

to contact the Regional Office appears in the notice for each individual area.

Regional Offices

Region I - Richard Burkhart (617) 918-1664,

Region II - Paul Truchan (212) 637-4249 or Kirk Wieber (212) 637-3381,

Region III - Dave Arnold (215) 814-2172,

Region IV - Scott Martin (404) 562-9036,

Region V - Edward Doty (312) 886-6057 or Michael Leslie (312) 353-6680,

Region VI - Guy Donaldson (214) 665-7242.

SUPPLEMENTARY INFORMATION: The CAA and several guidance memoranda issued earlier by EPA provide relevant background information for the specific rulemaking proposals appearing in today's Federal Register. The important CAA sections and EPA guidance are described below and in the notices on individual areas elsewhere in today's Federal Register.

In 1990, Congress amended the CAA to address, among other things, continued nonattainment of the ground-level ozone NAAQS. Pub. L. 101-549, 104 Stat. 2399 codified at 42 U.S.C., 7401-7671q (1991). The CAA, as amended, divides 1-hour ozone nonattainment areas into, in general, five

classifications based on ozone air quality concentrations (marginal, moderate, serious, severe, and extreme nonattainment); and establishes specific requirements, including SIP submittal and attainment dates, for each classification. CAA sections 107 (d)(1)(C) and (4), and 181.

The CAA also requires States to submit a SIP to provide for attainment of the 1-hour ozone standard which includes a demonstration of attainment (including air quality modeling) for the nonattainment area, as well as emission control measures needed to attain by the attainment date. CAA section 182 (c)(2)(A) and (d). In addition, the CAA requires States to submit a SIP for serious and severe nonattainment areas which provide for emissions reductions of 9 percent from their baseline emissions for each 3-year period from 1997 until the area's attainment date (9 percent rate-of-progress SIPs). The CAA section 182 (c)(2)(B) and (d) establishes November 15, 1994, as the required date for these SIP submittals.

Notwithstanding significant efforts by the States, EPA determined that the States were not able to meet the November 15, 1994 deadline for the required SIP submissions because of the complexity of the ozone problem and the recognition that intrastate emissions reductions alone would

not be sufficient to reach attainment. On March 2, 1995, EPA Assistant Administrator Mary D. Nichols sent a memorandum to EPA Regional Administrators indicating that many States had been unable to adopt and submit attainment and 9 percent rate of progress SIPs within the deadlines prescribed by the CAA due to interstate ozone transport beyond their control. The March 2, 1995 memorandum called for a collaborative process among the States in the eastern half of the country to evaluate and address transport of ozone and its precursors. This memorandum led to the formation of the Ozone Transport Assessment Group (OTAG).¹ After a comprehensive study of air pollution transport in the eastern United States, OTAG concluded that transport of ozone and its precursors is significant and should be reduced regionally to enable States in the eastern half of the country to attain the ozone NAAQS. To allow time for the OTAG study to be addressed in the individual nonattainment area SIPs, EPA provided until April 1998 to submit certain portions of the attainment demonstration and 9 percent rate-of-progress SIPs. The States generally submitted the SIPs between April and October 1998; some States are still submitting additional revisions as

¹ Letter from Mary A. Gade, Director, State of Illinois Environmental Protection Agency to Environmental Commissioners of States (ECOS) Member, dated April 13, 1995.

described in the individual proposed rulemaking actions.

Six environmental organizations have filed a complaint in U.S. District Court regarding EPA's failure to promulgate a Federal implementation plan (FIP) for each of these areas in the absence of fully approved attainment demonstrations for the areas. In response to that lawsuit, EPA has entered into a consent decree to settle these claims. The consent decree provides a framework for further action regarding the ozone attainment demonstrations for these areas and establishes dates for future EPA rulemaking action. In particular, the consent decree establishes dates by which EPA is to determine the adequacy of the motor vehicle emission budgets associated with the attainment demonstrations for the areas and deadlines by which EPA is to promulgate FIPs for areas for which it has not approved attainment demonstration and 9 percent rate-of-progress SIPs. (A copy of the consent decree is being placed in the dockets for the proposals regarding the attainment demonstrations.) The consent decree, which is being lodged with the United States District Court for the District of Columbia, is still subject to the public notice and comment provisions of section 113(g) of the CAA. (A document regarding the section 113(g) process for the consent decree will be published separately in the Federal Register.)

Consistent with the dates in the consent decree, EPA is moving forward in a coordinated fashion to take action on the attainment plans for each of the 10 areas identified above. The EPA's proposals on the attainment plans are a critical next step in ensuring that each of these areas has in place a complete plan for achieving air quality meeting the 1-hour ozone standard. The EPA intends to take final action on elements of each of these plans during the next year.

The EPA's actions today reflect consistent application of EPA policies on motor vehicle emission budgets, credits for interstate nitrogen oxide reductions, and the need for additional emissions reductions, as well as other issues. These policies are discussed in detail in the notices for each area which appear elsewhere in today's Federal Register. The application of these policies to the plans for individual areas is discussed in the individual notices for each area.

Dated:

Robert Perciasepe,
Assistant Administrator for
Air and Radiation.

